REMARKS

Claims 19 – 28 are presently under consideration in this application, with claims 1 – 18 having been withdrawn.

REJECTION UNDER 35 U.S.C. § 102

Claims 19 – 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Danino et al. (US 4,651,992) ("Danino"). Applicants respectfully traverse this rejection.

The present invention is directed to a product or service selector that has an arrangement of moveable members that a user moves to select answers to questions pertaining to the products or services of interest. After a user moves each moveable member to answer the questions, the alignment of the moveable members results in a recommended product or service being indicated.

Danino on the other hand is a puzzle type game that is solved by a user. It does not provide any type of recommendation to the user. Rather, it is up to the user to come up with the solution to the puzzle.

Danino has a number of manipulatable members. With reference to the mathematical equation embodiment, the user manipulates all but the last manipulatable member to align a set of indicia carrying faces of the manipulatable members to show a mathematical equation. The user must then manipulate the last manipulatable member to align the indicia carrying surface having the correct answer with the aligned indicia carrying surfaces of the other manipulatable members. While the indicia carrying surfaces can have alphabetical characters rather than numbers or arithmetic operations, Danino still requires the user to "solve" the puzzle by aligning the indicia carrying surfaces. In this regard, the alignment of the indicia carrying faces does not result in a recommendation to a user, such as a desired answer. Rather, the user must select the indicia carrying surface(s) of Danino's to solve the puzzle. In contrast, applicants' invention results in a recommended product or service being indicated due to the way in which the movable members align after being moved to appropriate positions to designate answers to the questions about the product or service of interest.

Applicants have amended claim 19 to clarify that it is the alignment of the movable members that results in a recommended product or service being indicated. Amended claim 19 now requires that each of the response portions of the moveable members has a plurality of answers to the question associated with that response portion. It also requires that each moveable member is movable to align a desired one of the answers on its response portion to the marker associated with its response portion. It further requires that the response portion associated with the marker of the last moveable member indicate one of the products or services as a recommended product or service when the desired answers of the response portions of the moveable members are aligned with the respective markers associated with the response portions. Applicants submit that Danino does not disclose these limitations for the reasons discussed above and amended claim 19 is thus allowable over Danino.

Claims 20 – 26 depend directly or indirectly from Danino and are allowable for at least that reason, as are new claims 27 and 28.

REJECTION UNDER 35 U.S.C. § 103

Claims 19 – 26 also stand rejected under 35 U.S.C. § 103(a) based on Danino in view of Rofrano (US 6,035,283) ("Rofrano"). Applicants respectfully traverse this rejection

Rofrano is prior art of the type discussed in the "Relation to Prior Art" section of the present application. That it, it is an "Internet" type of sales aid. Applicants' invention is to provide a product or service selector where Internet access is not readily available to a user, such as inside a store. Danino, as discussed above, is a puzzle that must be solved by a user. The user's manipulation of the various manipulatable members of Danino does not result in a recommendation to the user. Rather, the user must align the appropriate indicia bearing surfaces of Danino's manipulatable members so that they show the puzzle and its solution. In contrast, applicants' invention results in a recommendation of a product or service being indicated when the moveable members are aligned by being moved to designate answers to questions about the product or service of interest. Thus, Danino not only does not disclose or suggest applicants' invention, but teaches away from it as Danino does not present a proposed solution to a

user. Rather, Danino presents a puzzle that the user must solve – which is just the opposite of what applicants' invention achieves. –Thus, combining Rofrano with Danino would not result in applicants' invention as claimed in amended claim 19. In fact, combining Rofrano with Danino would result in Danino being inoperative for its intended purpose – a puzzle that must be solved by a user. Applicants submit that amended claim 19 is thus allowable over Danino in view of Rofrano.

Claims 20 – 26 depend directly or indirectly from amended claim 19 and are allowable over Danino in view of Rofrano for at least this reason, as are new claims 27 and 29.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: _June 1, 2007_

By: _____
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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: June 1, 2007   Signature: _____ (Roland A. Fuller, III)